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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/739,023
	Filing Date	Dec. 8, 2000
	First Named Inventor	Andrea MICHALIK
	Art Unit	1661
	Examiner Name	Wendy C. Haas
Total Number of Pages in This Submission	Attorney Docket Number	2384-002133

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Patricia A. Olosky The Webb Law Firm
Signature	<i>Patricia A. Olosky</i>
Date	July 5, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Diane Paull		
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Response Under 37 CFR § 1.116

Expedited Procedure

Examining Group No. 1661

Application No. 09/739,023

Notice of Appeal dated July 5, 2005

In Reply to Final Office Action dated 04/05/2005

Attorney Docket No. 2384-002133



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/739,023  
Applicant : Andrea MICHALIK  
Filed : December 8, 2000  
Title : Variety of Geranium Plant Named 'Penlava'  
Group Art Unit : 1661  
Examiner : Wendy C. Haas  
Confirmation No. : 4154  
Customer No. : 28289

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated April 5, 2005, of the Primary Examiner finally rejecting claim 1. A supporting Appeal Brief will be filed in due course.

07/08/2005 MBERHE 00000031 09739023

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Diane Paull

(Name of Person Mailing Paper)

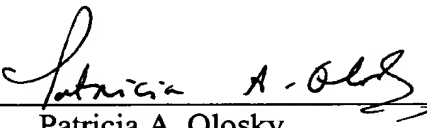
*Diane Paull*  
Signature

7-05-2005  
Date

Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$500 is enclosed herewith to cover the cost of filing the Notice of Appeal. The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and one (1) copy of this Notice of Appeal are enclosed.

Respectfully submitted,

THE WEBB LAW FIRM

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